

AMENDED IN ASSEMBLY JUNE 4, 2013

AMENDED IN SENATE MAY 1, 2013

AMENDED IN SENATE APRIL 23, 2013

**SENATE BILL**

**No. 311**

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**Introduced by Senator Padilla**

February 15, 2013

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An act to amend Sections 1415, 9255, and 9260 of the Elections Code, and to amend Sections 34457 and 34458 of the Government Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 311, as amended, Padilla. Local elections: charters and charter proposals.

Existing law requires a charter or charter amendment proposed by a charter commission for a city or city and county to be submitted to the voters at an established statewide general, statewide primary, or regularly scheduled municipal election, provided there are at least 95 days before the election. Existing law requires specified city or city and county charter proposals to be submitted to the voters at an established statewide general, statewide primary, or regularly scheduled municipal election, provided there are at least 88 days before the election. Existing law also authorizes the governing body of any city or city and county to propose a charter and submit the proposal to the voters for adoption at the next established statewide general, statewide primary, or regularly scheduled municipal election, provided there are at least 88 days before the election.

This bill would eliminate the option of submitting a city or city and county charter, charter amendment, or charter proposal to the voters at

a statewide primary or regularly scheduled municipal election, except for city or city and county charter proposals to amend a charter that are proposed by voter petitions, as specified, which the bill would require to be submitted to the voters at the next regularly scheduled general municipal election or at any established statewide general or statewide primary election occurring not less than 88 days after the date of the order of election. The bill would require a charter, charter amendment, or charter proposal not excepted to be submitted to the voters at a statewide general election, provided there are at least 95 or 88 days, as applicable, before the election. *The bill would authorize the governing body of a city or city and county to direct that a charter proposal that proposes to amend a charter solely to comply with a court injunction or consent decree or with federal or state voting rights laws be submitted to the voters at the next regularly scheduled general municipal election or at any established statewide general or statewide primary election occurring not less than 88 days after the date of the order of election.* The bill also would make conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1415 of the Elections Code is amended  
2 to read:  
3 1415. (a) ~~A~~(1) *Except as provided in paragraph (2), a city*  
4 *or city and county charter proposal proposed by the governing*  
5 *body of a city or city and county on its own motion that qualifies*  
6 *pursuant to Section 9255 shall be submitted to the voters at the*  
7 *next established statewide general election occurring not less than*  
8 *88 days after the date of the order of election.*  
9 (2) *The governing body of a city or city and county may direct*  
10 *that a charter proposal that proposes to amend a charter solely*  
11 *to comply with a court injunction or consent decree or with federal*  
12 *or state voting rights laws be submitted to the voters at the next*  
13 *regularly scheduled general municipal election pursuant to Section*  
14 *1301, or at any established statewide general or statewide primary*  
15 *election pursuant to Section 1200 or 1201, occurring not less than*  
16 *88 days after the date of the order of election.*  
17 (b) A city or city and county charter proposal that proposes to  
18 amend a charter and is proposed by a petition signed by 15 percent

1 of the registered voters of a city or 10 percent of the registered  
2 voters of a city and county, pursuant to subdivision (c) of Section  
3 9255, shall be submitted to the voters at the next regularly  
4 scheduled general municipal election pursuant to Section 1301, or  
5 at any established statewide general or statewide primary election  
6 pursuant to Section 1200 or 1201, occurring not less than 88 days  
7 after the date of the order of election.

8 SEC. 2. Section 9255 of the Elections Code is amended to read:

9 9255. (a) A charter or charter amendment proposed by a charter  
10 commission, whether elected or appointed by a governing body,  
11 for a city or city and county shall be submitted to the voters at an  
12 established statewide general election pursuant to Section 1200,  
13 provided there are at least 95 days before the election. A charter  
14 commission may also submit a charter pursuant to Section 34455  
15 of the Government Code.

16 (b) ~~The~~ *Except as provided in paragraph (2) of subdivision (a)*  
17 *of Section 1415, the* following city or city and county charter  
18 proposals shall be submitted to the voters at an established  
19 statewide general election pursuant to Section 1200, provided there  
20 are at least 88 days before the election:

21 (1) A proposal to adopt a charter, or an amendment or repeal  
22 of a charter, proposed by the governing body of a city or a city  
23 and county on its own motion.

24 (2) A recodification of the charter proposed by the governing  
25 body on its own motion, provided that the recodification does not,  
26 in any manner, substantially change the provisions of the charter.

27 (c) The following city or city and county charter proposals shall  
28 be submitted to the voters at an established statewide general,  
29 statewide primary, or regularly scheduled municipal election  
30 pursuant to Section 1200, 1201, or 1301 occurring not less than  
31 88 days after the date of the order of election:

32 (1) A charter amendment proposed by a petition signed by 15  
33 percent of the registered voters of the city.

34 (2) A charter amendment proposed by a petition signed by 10  
35 percent of the registered voters of the city and county.

36 (d) Charter proposals by the governing body and charter  
37 proposals by petition of the voters may be submitted at the same  
38 election.

39 (e) The total number of registered voters of the city or city and  
40 county shall be determined according to the county elections

official's last official report of registration to the Secretary of State that was effective at the time the notice required pursuant to Section 9256 was given.

SEC. 3. Section 9260 of the Elections Code is amended to read: 9260. The petition shall be in substantially the following form:

Petition for Submission to Voters of Proposed Amendment to the Charter of the City (or City and County) of \_\_\_\_

To the city council (or other legislative body) of the City (or City and County) of \_\_\_\_:

We, the undersigned, registered and qualified voters of the State of California, residents of the City (or City and County) of \_\_\_\_, pursuant to Section 3 of Article XI of the California Constitution and Chapter 2 (commencing with Section 34450) of Part 1 of Division 2 of Title 4 of the Government Code, present to the city council (or other legislative body) of the city (or city and county) this petition and request that the following proposed amendment to the charter of the city (or city and county) be submitted to the registered and qualified voters of the city (or city and county) for their adoption or rejection at the next statewide general, statewide primary, or regularly scheduled municipal election pursuant to Section 1200, 1201, or 1301.

The proposed charter amendment reads as follows:

First. (setting forth the text of the amendment) \_\_\_\_ (etc.)

Signature	Printed Name	Residence	Date
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

SEC. 4. Section 34457 of the Government Code is amended to read:

34457. After the charter prepared by the charter commission has been filed in the office of the clerk of the governing body of the city or city and county pursuant to Section 34455, the proposed charter shall be submitted to the voters of the city or city and county at the next established statewide general election pursuant

1 to Section 1200 of the Elections Code, provided there are at least  
2 95 days before the election.

3 SEC. 5. Section 34458 of the Government Code is amended  
4 to read:

5 34458. (a) As an alternative to the procedure provided for in  
6 Sections 34450 to 34457, inclusive, the governing body of a city  
7 or city and county, on its own motion may propose or cause to be  
8 proposed, amend or cause to be amended, or repeal or cause to be  
9 repealed, a charter, and may submit the proposal for the adoption,  
10 amendment, or repeal thereof, to the voters at the next established  
11 statewide general election pursuant to Section 1200 of the Elections  
12 Code, provided there are at least 88 days before the election, *or*,  
13 *for a proposal described in paragraph (2) of subdivision (a) of*  
14 *Section 1415 of the Elections Code, at an election specified in that*  
15 *paragraph.*

16 (b) Prior to approving the submission to the voters of a proposal  
17 to adopt a charter, the governing body shall hold at least two public  
18 hearings on the matter of the proposal of a charter and the content  
19 of the proposed charter. Notice of the public hearings shall be  
20 given by publication pursuant to Section 6066, in a newspaper  
21 designated by the governing body and circulated throughout the  
22 city, and by posting the notice in three public places within the  
23 jurisdiction at least 21 calendar days prior to the date of each public  
24 hearing. The second public hearing shall be held at least 30 days  
25 after the first public hearing. At least one of the public hearings  
26 shall be held outside of normal business hours to facilitate public  
27 participation. The governing body shall not conduct a vote on  
28 whether to approve the submission to the voters of the proposal  
29 to adopt a charter until 21 days after the second public hearing.